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इस भाग में प्रिय पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 28th November, 2001:—

I

BILL No. LXXVI of 2001

A Bill further to amend the Coast Guard Act, 1978.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. This Act may be called the Coast Guard (Amendment) Act, 2001. Short title.

30 of 1978. 2. In section 2 of the Coast Guard Act, 1978 (hereinafter referred to as the principal Act), in clause (w), for the words “or a Sahayak Engineer”, the words, “a Sahayak Engineer or a Pradhan Yantrik” shall be substituted. Amendment of section 2.

3. In section 25 of the principal Act, for sub-section (2), the following shall be substituted, namely:— Amendment of section 25.

“(2) Every person who deserts or attempts to desert the Coast Guard shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned and in every such case he shall forfeit,—

(a) all pay, salvage, prize money and allowances that have been earned by him;

(b) pension and gratuity, medals and decorations that have been granted to him; and

(c) all clothes and effects which he may have left on board the ship or the place from which he deserted,

unless the Tribunal by which he is tried or the Central Government or the Director-General otherwise directs.

Explanation.—For the purposes of this sub-section, all pay, salvage, prize money and allowances shall be deemed to have been earned by a person when such pay, salvage, prize money and allowances have become due but have not been paid to him.”.

Amendment
of section 51.

4. In section 51 of the principal Act,—

(i) in sub-section (1), for the words “within three years from the commission of such offence” occurring at the end, the following shall be substituted, namely:—

“within a period of three years from the commission of such offence and such period shall commence,—

(a) on the date of the offence; or

(b) where the commission of the offence was not known to the person aggrieved by the offence or to the authority competent to initiate action, the first day on which such offence comes to the knowledge of such person or authority; or

(c) where it is not known by whom the offence was committed, on the first day on which the identity of the offender becomes known to the person aggrieved by the offence or to the authority competent to initiate action,

whichever is earlier.

Explanation.—For the purposes of this sub-section, in the computation of the period of time mentioned in this sub-section, any time spent by such person, as a prisoner of war in the enemy territory, or in evading arrest, after the commission of the offence, shall be excluded”;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Where a proceeding in respect of an offence has been stayed by an injunction or an order of a court, then, in computing the period of limitation under this section, the period of the continuance of the injunction or order, the day on which it was issued or made, and the day on which it was withdrawn shall be excluded.”.

Amendment
of section 52.

5. In section 52 of the principal Act, in sub-section (2), for the words “within six months after he has ceased to be subject of this Act”, the following shall be substituted, namely:—

“within a period of two years after he has ceased to be subject to this Act; and in computing such period, the time during which such person has avoided arrest by absconding or concealing himself or where a proceeding in respect of an offence has been stayed by an injunction or order, the period of the continuance of the injunction or order, the day on which it was issued or made and the day on which it was withdrawn, shall be excluded”.

6. In section 56 of the principal Act, after the words and figures "manner stated in section 57", the words, figures and letter "or section 57A" shall be inserted.

Amendment of section 56

7. After section 57 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 57A.

"57A. (1) The Director-General or an officer not below the rank of Deputy Inspector-General who is appointed as Commander of a region or such other officer as is, with the consent of the Central Government, specified by the Director-General, may in the prescribed manner proceed against an officer below the rank of Commandant, who is charged with an offence under this Act and award such person one or more of the following punishments, that is to say,—

Punishment for officers below the rank of Commandant.

(a) forfeiture of seniority of rank or in the case of any of them whose promotion depends upon length of service, forfeiture of service for the purpose of promotion, for a period not exceeding twelve months, but subject to the right of the accused, previous to the award, to elect to be tried by a Coast Guard Court;

(b) forfeiture of seniority of rank, or in the case of any of them whose promotion depends upon length of service, forfeiture of service for the purpose of promotion for a period not exceeding six months, but subject to the right of the accused, previous to the award, to elect to be tried by a Coast Guard Court;

(c) mulcts of pay and allowances;

(d) severe reprimand:

Provided that no punishment specified in clause (a) shall be inflicted by an officer other than the Director-General:

Provided further that no punishment specified in clause (b) shall be inflicted by an officer below the rank of Deputy Inspector-General who is appointed as the Commander of a region.”.

8. In section 58 of the principal Act, after sub-section (7), the following sub-section shall be inserted, namely:—

Amendment of section 58.

"(8) Where mulcts of pay and allowances are awarded for absence without leave, the absence shall be treated as regularised for all purposes.”.

9. In section 86 of the principal Act, in sub-section (7), after the words "Assistant Chemical Examiner to Government", the words "or any of the Government scientific experts, namely, the Chief Inspector of the Explosives, the Director of the Fingerprint Bureau, the Director, Haffkine Institute, Mumbai, the Director of a Central Forensic Science Laboratory or a State Forensic Science Laboratory and the Serologist to the Government" shall be inserted.

Amendment of section 86.

10. In section 87 of the principal Act, in sub-section (1), after the words and figures "award of punishment under section 57", the words, figures and letter "or section 57A" shall be inserted.

Amendment of section 87.

11. In section 123 of the principal Act, in sub-section (2), after clause (f), the following clause shall be inserted, namely:—

Amendment of section 123.

"(fa) the manner in which proceedings may be initiated under section 57A;”.

STATEMENT OF OBJECTS AND REASONS

The Coast Guard Act, 1978 came into force on the 19th August, 1978. This Act is an amalgam of certain provisions from the Border Security Force Act, 1968, the Army Act, 1950 and the Navy Act, 1957.

2. With a view to bring the provisions of the Coast Guard Act, 1978 in conformity with the provisions of the Army Act, 1950, the Navy Act, 1957 and the Code of Criminal Procedure, 1973, it is proposed to amend the Act to provide, *inter alia*, the following, namely:—

- (a) inclusion of the rank of *Pradhan Yantrik* in the definition of the expression "subordinate officer";
- (b) making the punishment for the offence of desertion more deterrent;
- (c) increasing the time-limit within which the trial of the offender should begin where more time is spent in investigation of an offence or the commission of an offence comes to light after a long gap of its occurrence;
- (d) increasing the existing time-limit during which trial of personnel ceasing to be subject to the Act shall commence;
- (e) providing for punishment of officers below the rank of Commandant by the Director-General, Coast Guard and other authorities for expeditious trial of such officers for the offences which are of less serious nature;
- (f) regularization of absence of personnel punished with mulcts of pay and allowances;
- (g) admissibility of reports of certain scientific experts as evidence in a trial proceedings.

3. Earlier a Bill, namely, the Coast Guard (Amendment) Bill, 1996 was introduced in the Rajya Sabha on 26th November, 1996 which was referred to the Standing Committee on Defence and thereafter to the Select Committee. The Select Committee made certain recommendations, some of which have also been incorporated in the proposed Bill. These include the forfeiture of all pay, salvage, prize money and allowances which have become due but have not been paid, in addition to certain other punishments which were proposed in the previous Bill. The proposed Bill also increases the existing time-limit from six months to two years during which trial of personnel ceasing to be subject to the Act shall commence.

4. This Bill seeks to achieve the aforesaid objects.

GEORGE FERNANDES.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill seeks to insert a new clause (fa) in section 123 of the Coast Guard Act, 1978, so as to provide for the manner in which proceedings may be initiated under section 57A.

2. The matters in respect of which the rules may be made under the said provision relate to procedure. The delegation of legislative power is, therefore, of a normal character.

II

BILL NO. LXXXI OF 2001

A Bill to amend the National Institute of Pharmaceutical Education and Research Act, 1998.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the National Institute of Pharmaceutical Education and Research (Amendment) Act, 2001.

Amendment of section 4 of Act 13 of 1998.

2. In section 4 of the National Institute of Pharmaceutical Education and Research Act, 1998, in sub-section (4), the following proviso shall be inserted, namely:—

“Provided that the term of office of a member nominated under clause (o) of sub-section (3) shall come to an end as soon as he becomes a Minister or Minister of State or Deputy Minister, or the Speaker or the Deputy Speaker of the House of the People, or the Deputy Chairman of the Council of States, or ceases to be a member of the House from which he was nominated.”.

STATEMENT OF OBJECTS AND REASONS

The National Institute of Pharmaceutical Education and Research Act, 1998, *inter alia*, provides for the nomination of three Members of Parliament, two from Lok Sabha and one from Rajya Sabha on the Board of Governors of the Institute. At present, there is no provision in the said Act to the effect that a Member of Parliament, upon becoming a Minister or Speaker or Deputy Speaker of Lok Sabha or Deputy Chairman of Rajya Sabha, ceases to be a member of the governing body of the Institute.

2. The National Institute of Pharmaceutical Education and Research (Amendment) Bill, 2001 seeks to provide for termination of the membership on the Board of Governors of the Institute of a Member of Parliament nominated under clause (o) of sub-section (3) of section 4 of the said Act on his becoming a Minister or Minister of State or Deputy Minister or Speaker or Deputy Speaker of the Lok Sabha or Deputy Chairman of the Rajya Sabha or where such person ceases to be Member of the House from which he was nominated.

3. The Bill seeks to achieve the above objects.

SUKHDEV SINGH DHINDSA.

R. C. TRIPATHI,
Secretary-General.

